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7 **UNITED STATES DISTRICT COURT**  
8 **WESTERN DISTRICT OF WASHINGTON**  
9 **AT SEATTLE**

10 CHERYL KATER and SUSIE KELLY,  
11 individually and on behalf of all others  
12 similarly situated,

13 Plaintiffs,

14 v.

15 CHURCHILL DOWNS INCORPORATED  
16 and BIG FISH GAMES, INC.,

17 Defendants.

Case No. C15-0612RSL

**ORDER SCHEDULING MOTIONS AND  
FINAL APPROVAL HEARING**

1 The Court will hold a settlement hearing (the “Final Approval Hearing”) on January 7,  
2 2021, at 1:30 p.m., either in person at Courtroom 15106, United States Courthouse 700 Stewart  
3 Street, Seattle, WA 98101, or by telephone or videoconference (in the discretion of the Court), to  
4 determine, inter alia:

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6 A. whether the Settlement Class should be certified, for settlement purposes, as a class  
7 action;

8 B. whether the Class Representatives and Class Counsel have adequately represented the  
9 Settlement Class;

10 C. whether the Settlement should be approved as fair, reasonable, and adequate;

11 D. whether the Amended Complaint should be dismissed with prejudice pursuant to the  
12 terms of the Settlement;

13 E. whether the Notice and the means of disseminating same pursuant to the Settlement  
14 Agreement: (i) are appropriate and reasonable and constituted due, adequate, and sufficient  
15 notice to all persons entitled to notice; and (ii) meet all applicable requirements of the  
16 Federal Rules of Civil Procedure, and any other applicable law;

17 F. whether the application for attorneys’ fees and expenses to be filed by Class Counsel  
18 should be approved or adjusted;

19 G. whether the proposed disbursement of monetary awards is fair and reasonable and should  
20 be approved;

21 H. whether the planned prospective relief should be approved;

22 I. whether the application for Incentive Awards for the Class Representatives should be  
23 approved; and

24 J. whether there are any timely and proper objections to the Settlement and/or to the  
25 application for attorneys’ fees and expenses and/or request for Incentive Awards and how  
any such objections shall be resolved.

26 The Court may adjourn the Final Approval Hearing without further notice to the Settlement Class  
27 and may approve the proposed Settlement with such modifications as the Parties may agree to, if

1 appropriate, without further notice to the Settlement Class. The Court may decide to hold the Final  
2 Approval Hearing by telephone or video conference without further mailed notice to the Settlement  
3 Class. If the Court orders that the Final Approval Hearing be conducted telephonically or by video  
4 conference, that decision will be posted on the settlement website  
5 [www.bigfishgamessettlement.com](http://www.bigfishgamessettlement.com). Any Settlement Class Member (or his, her, or its counsel) who  
6 wishes to appear at the Final Approval Hearing should consult the Court's docket and/or the  
7 settlement website for any change in date, time, or format of the hearing.

8 Any Settlement Class Member who or which does not request exclusion from the Settlement  
9 Class may appear at and participate in the Final Approval Hearing at his, her, or its own expense,  
10 individually or through counsel of his, her, or its own choice, by (a) submitting written objections to  
11 the Settlement Agreement, the proposed plan of allocation, and/or counsel's fee petition as set forth  
12 in the Agreement and (b) filing a notice of appearance with the Clerk of Court on or before December  
13 10, 2020, or as the Court may otherwise direct. Any Settlement Class Member who does not enter an  
14 appearance in the above-captioned matter will be represented at the Final Approval Hearing by Class  
15 Counsel.

16 Class Counsel shall file and serve the opening papers in support of the proposed Settlement,  
17 class certification, the proposed plan of allocation, and Class Counsel's motion for attorney's fees  
18 and expenses no later than November 9, 2020. Reply papers, if any, shall be filed and served no later  
19 than seven (7) calendar days prior to the Settlement Hearing.

20 Dated this 4th day of September, 2020.  
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24 Robert S. Lasnik  
25 United States District Judge  
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